

1 PHILLIP A. TALBERT
United States Attorney
2 CAMERON L. DESMOND
DAVID SPENCER
3 Assistant United States Attorneys
501 I Street, Suite 10-100
4 Sacramento, CA 95814
Telephone: (916) 554-2700
5 Facsimile: (916) 554-2900

6 Attorneys for Plaintiff
United States of America
7
8

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

CASE NO. 2:19-CR-0231-WBS

12 Plaintiff,

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

13 v.
14 JOSE ENCARNACION MAYO RODRIGUEZ,
SYLVIA ZAMBRANO,
15 MARIA LUISA ESCAMILLA-LOPEZ,
JUAN CHAVARRIA,
16 JUAN RAMON LOPEZ,
NEREYDA ALVAREZ,
17 CHARLES JAMES BILLINGSLEY, JR.,

DATE: August 29, 2022
TIME: 9:00 a.m.
COURT: Hon. William B. Shubb

18 Defendants.

20 STIPULATION

21 1. By previous order, this matter was set for status on August 29, 2022.

22 2. By this stipulation, defendants now move to continue the status conference until

23 December 5, 2022 at 9:00 a.m., and to exclude time between August 29, 2022, and December 5, 2022,
under Local Code T4.

25 3. The parties agree and stipulate, and request that the Court find the following:

26 a) The government has represented that the discovery associated with this case
27 includes over 4400 pages of documents, including investigative reports, photographs, cell phone
records, and other materials, as well as numerous audio and video recordings. All of this

1 discovery has been either produced directly to counsel and/or made available for inspection and
2 copying.

3 b) Many of the events at issue in the case occurred in San Joaquin County, with
4 additional matters occurring in Southern California and the San Francisco Bay Area. Defense
5 investigation into the charged events can fairly be characterized as state-wide in scope.

6 c) During most of the period that this case has been pending national events related
7 to the spread of COVID-19 occurred. Federal and state authorities issued directives designed to
8 address the pandemic. These directives hampered the ability of the defense to conduct
9 investigation as to potential defenses in this matter. Additional time is therefore required for
10 defense investigation into matters charged in the Indictment.

11 d) On or about August 16, 2021, defendant Juan Chavarria retained new counsel,
12 Clemente Jimenez, to represent him in this matter due to a potential conflict identified by
13 defendant Chavarria's existing counsel, Armando Villapudua. Mr. Jimenez filed a substitution
14 of counsel on August 17, 2021 (ECF No. 179).

15 e) On June 13, 2022, attorney Betty Williams substituted into the case as newly
16 appointed counsel of record for defendant Nereyda Alvarez, because defendant Alvarez's prior
17 counsel, David Garland, accepted a position in private practice that prevents him from
18 continuing his CJA commitments. ECF No. 219.

19 f) On June 21, 2022, defendant Juan Chavarria was arrested in San Joaquin County
20 for state firearms violations. He was later released pending trial. On July 22, 2022, Chavarria
21 was arrested for attempted murder, in San Joaquin County, where he is being held without bail.
22 See ECF No. 228 (Pretrial Services Violation Petition).

23 g) Counsel for defendants desire additional time to conduct factual investigation and
24 legal research into potential defenses and trial and sentencing issues, to review the discovery, to
25 consult with their clients, and to otherwise prepare for trial.

26 h) Counsel for defendants believe that failure to grant the above-requested
27 continuance would deny them the reasonable time necessary for effective preparation, taking into
28 account the exercise of due diligence.

1 i) The government does not object to the continuance.

2 j) Based on the above-stated findings, the ends of justice served by continuing the
3 case as requested outweigh the interest of the public and the defendant in a trial within the
4 original date prescribed by the Speedy Trial Act.

5 k) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
6 et seq., within which trial must commence, the time period of August 29, 2022 to December 5,
7 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
8 T4] because it results from a continuance granted by the Court at defendant's request on the basis
9 of the Court's finding that the ends of justice served by taking such action outweigh the best
10 interest of the public and the defendant in a speedy trial. In addition, the time period of June 21,
11 2022, through the present, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(1)(B) [Local
12 Code C], and 18 U.S.C. § 3161(h)(6) [Local Code R], because the period of delay results from
13 defendant Chavarria facing other charges in San Joaquin County. *See United States v. Lopez-*
14 *Espindola*, 632 F.2d 107 (9th Cir. 1980).

15 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
16 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
17 must commence.

18 IT IS SO STIPULATED.

19 Dated: August 23, 2022

PHILLIP A. TALBERT
United States Attorney

21 _____
22 /s/ DAVID W. SPENCER
23 DAVID W. SPENCER
24 Assistant United States Attorney

25 Dated: August 23, 2022

26 _____
27 /s/ Todd D. Leras
28 TODD D. LERAS
Law Office of Todd D. Leras
Attorney for defendant Jose Encarnacion
Mayo Rodriguez

1 Dated: August 23, 2022

/s/ Christopher R. Cosca

CHRISTOPHER R. COSCA
Christopher R. Cosca, Attorney-at-Law
Attorney for defendant *Sylvia Zambrano*

4 Dated: August 23, 2022

/s/ Dina Lee Santos

DINA LEE SANTOS
Law Offices of Dina L. Santos
Attorney for defendant *Maria Luisa Escamilla-Lopez*

8 Dated: August 23, 2022

/s/ Clemente Jimenez

CLEMENTE JIMENEZ
Law Office of Clemente M. Jimenez
Attorney for defendant *Juan Chavarria*

11 Dated: August 23, 2022

/s/ Phillip Cozens

PHILLIP COZENS
Phillip Cozens, Attorney-at-Law
Attorney for defendant *Juan Ramon Lopez*

14 Dated: August 23, 2022

/s/ Betty J. Williams

BETTY J. WILLIAMS
Law Office of David Garland
Attorney for defendant *Nereyda Alvarez*

18 Dated: August 23, 2022

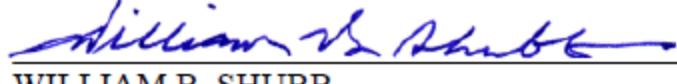
/s/ Johnny L. Griffin, III

JOHNNY L. GRIFFIN, III
Law Offices of Johnny L. Griffin, III
Attorney for defendant *Charles J. Billingsley, Jr.*

23 **FINDINGS AND ORDER**

24 IT IS SO FOUND AND ORDERED.

25 Dated: August 25, 2022


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE